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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,582	08/31/2001	Kouichiro Hara	011127	9410

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ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP
1725 K STREET, NW
SUITE 1000
WASHINGTON, DC 20006

EXAMINER	
KIM, AHSHIK	

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/942,582	HARA, KOUICHIRO	
	Examiner	Art Unit	
	Ahshik Kim	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *2/9/04 (Amendment)*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the amendment filed on February 9, 2004. Claims 1-7 remain for examination.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. An item (AF) in the information disclosure statement filed on October 26, 2001 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watabe (US 5,223,829, "Watabe" hereinafter) in view of Inamitsu (US 6,367,696, "Inamitsu" hereinafter).

Re claims 1-3 and 6, Watabe teaches an electronic locker system 1 comprising a plurality of lockers for housing baggage or the like (col. 3, lines 61+) further comprising an electronic lock device (col. 4, lines 8-21); a reading means 19 reading the user's card to retrieve the user's identification numbers (col. 5, lines 35); and the control unit 10 whose detail is shown in figure 3, interfacing with various peripherals in order to make the locker operational (col. 4, lines 22-29; col. 5, lines 43). The users of the locker-system, being a registered resident (col. 3, lines 61+) of a condominium or other multi-resident embodiment, disclose a predetermined contractual relationship between the user and the management company of the locker. The user must provide identification information (i.e., password via registration card) to open the locker (col. 6, lines 56-68). Watabe also discloses that the users are required to pay prescribe amount of fee in using the apparatus (col. 4, line 62 – col. 5, line 2).

Watabe fails to specifically teach or fairly suggest that the transactional information such as fee is transmitted over to the managing center, and the use fee is automatically drawn from the account of the user.

Inamitsu teaches a vending machine selling various products and services wherein a purchaser uses an IC-card to initiate such transactions (see abstract). The transaction can be of various types, including usage of lockers (col. 11, lines 9+), and the users' account is debited/credited from the managing company (col. 5, line 61 – col. 6, line 10; col. 11, lines 55-61).

In view of Inamitsu's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to connect a plurality of locker systems into a communication network in order to centrally manage the locker systems. Watabe's embodiment of multi-resident shows, the locker company could have many lockers at many locations. Accordingly, it would have been obvious to connect them in communication network to transmit critical information to and from the lockers. For example, if the locker system is un-operational or need of repair, such status can be transmitted to the managing company instead of a worker finding the problem on scheduled visit. Additionally, implementing fund-transfer (or online payment) is another improvement one ordinary skill in the art can contemplate to accommodate customers preferring electronic payment over the coins. Customers in general prefer not to carry a large amount of coins, and the machine containing the coins can be a target of potential theft, which can result in physical damage of the lockers.

Re claims 4 and 5, the residents can be considered a registered group and the individual within the apartment/condo is allowed to open and receive the luggage.

Re claim 7, Watabe further teaches that time length of use of a locker is tracked (col. 5, lines 62-64). Although Watabe does not explicitly suggest that fee is based on usage time, considering that lockers are not assigned one on one base (i.e., mailbox), some rules regarding the use time of a locker have to be in place so that the lockers don't become a storage place. Since length of use time is already being recorded, associating fee to time would have been an obvious modification to one ordinary skill in the art.

Response to Arguments

6. Applicant's arguments filed on February 9, 2004 have been carefully considered, but they are not persuasive.

On page 7 of the remarks, Applicant argues, "Watabe discloses a locker apparatus to be installed at a public place." Applicant further asserts that anyone without an identifier (determined by a contractual relationship) can use the locker.

Examiner respectfully disagrees with Applicant's view on the following grounds. Although Watabe states that the locker can be installed in public places (abstract), it is Examiner's view that it is not open to public such as one used in railway station, or similar embodiment. Watabe's "public" is more limited in that the locker is used in condominium (abstract) or by registered residents (col. 1, lines 17+) implying that the users are allowed to use the locker based on a contractual relationship. The users are provided with registration card, which contains an identification number (col. 5, lines 35+). Opening or closing of the lock is dictated by coincidence of the identification code (col. 2, lines 31-54). In a broader interpretation, a person who delivers an article into a locker is one of the parties who are contractually permitted to use the locker. With identification code, the depositor or the recipient can open the locker repeatedly if warranted.

Applicant's remarks describing these elements have been fully considered, but in view of the above, the references to Watabe and Inamitsu still teach the claimed subject matter disclosed in this application. Therefore, the Examiner has made this Office Action final.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Matsumoto et al. (US 6,230,971) disclose an electronic locker system. Applicant is respectfully suggested to carefully review these references.

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax number directly to the Examiner is (571)273-2393. The fax phone number for this Group is (703)872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Ahshik Kim
Patent Examiner
Art Unit 2876
April 23, 2004